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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,615	12/24/2003	Richard Morabito	LC 0143 PUS	1614
36014	7590	12/12/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			ABRAHAM, TANIA	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,615

Applicant(s)

MORABITO ET AL.

Examiner

Tania Abraham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Allowable Subject Matter

1. The indicated allowability of claim 4 is withdrawn in view of the newly discovered reference(s) to Fluharty et al. Rejections based on the newly cited reference(s) follow.
2. Upon further consideration, the indicated allowability of claim 6 is withdrawn. Rejections based on Tiesler et al and Jakubiec et al follow.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 1-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler et al in view of Jakubiec et al. Tiesler et al discloses a center console for a front row of seats having a bin structure 14 – being a lower console member, a body ring 16 – being an upper console member, and a cover 20 – being a console lid. The lower console member 14 has mounted to its forward end, a flow-through assembly with an incorporated cupholder 50. The upper console member 16

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includes outer walls 44 and inner walls 40 that form an engagement sleeve for lower console member walls 26, but excludes horizontal top and bottom walls, thereby providing a hole for direct access to the lower console member. The console lid rotates about the upper console with a hinge leaf 64 and includes a padded armrest. In its assembled configuration, the upper console member sits on the lower console member with its walls extending to engage those of the lower console member. Tiesler et al discloses the body 12 which supports the console "is adapted to be mounted in a convenient place", but only suggests the vehicle floor as a location (col. 1, lines 63-65). Tiesler et al also discloses the upper console 16 sits on the lower console when assembled, but does show or suggest a pivotal connection between the two. Jakubiec et al teaches having a center console with attaching means 28 – being an element of the joining frame 26, that allow the console "to be mounted to the front seat inboard risers 56." (Col. 2, lines 54-57) The joining frame 26 is broadly interpreted to encompass the "pan frame assembly" of claim 6. Jakubiec et al also teaches having an upper console member 16 rotating about a lower console member 12 with hinge pin 94 to allow the upper console member 16 to move between a horizontal closed position and a vertical open position (col. 3, lines 6-13). It would have been obvious to one skilled in the art at the time of invention to modify the console of Tiesler et al with a joining frame according to Jakubiec et al's teaching in order to provide attachment of the console to the inboard risers of a front seat; and to modify Tiesler et al's console with a pivotal connection according to Jakubiec et al's teaching in order to allow the upper member to move between closed and open positions.

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Tiesler et al discloses the inner walls 40 of their upper console 16 contact the walls 26 of the lower console, but does not show any features for locking the walls together.

Fluharty et al shows the walls of an upper console member 50 having retaining means detents 47, or locking tabs that engage the walls of a lower console member 24 to retain the upper member 50 in place. It would have been obvious to one skilled in the art at the time of invention to modify Tiesler et al's console with retaining means according to Fluharty et al's teaching in order to retain the upper member in the lower member.

It is well known in the art to include conventional features like trays and dividers to vehicle consoles to provide additional storage cavities for the user, as demonstrated by Jakubiec et al (col. 1, lines 60-64) and references cited on form PTO-892 included with this action.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tiesler et al and Jakubiec et al as applied to claims 1-11 above, and further in view of Klopp, III et al. Tiesler et al discloses everything previously described except for an air vent assembly attached to their console. Klopp, III et al (fig. 1-7) shows a vehicle console with a rear portion 150 mounted to the console having air conditioning vents under the pivoting means of an upper console member 108 for directing air to the rear of the vehicle compartment (col. 4, lines 45-49). So, it would have been obvious to a person with ordinary skill in the art at the time of invention to modify Tiesler et al's console with an air vent assembly as taught by Klopp, III et al. to provide air conditioning to the occupants in the back row of a vehicle.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Masters et al shows a front row seat assembly including a console joined by its frame to both seats, and Maeda et al, Lorence et al, and Klopp, III et al all show the conventionality of including trays and dividers as additional storage cavities for vehicle consoles.

Response to Arguments

8. Applicant's arguments with respect to claims 1-3, 5, and 7-16 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tania Abraham whose telephone number is 571-272-2635. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TA


PETER R. BROWN
PRIMARY EXAMINER